

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

)	CASE NO.: 19-01303-JW
)	CHAPTER 13
)	
Helen Marie Rizzo)	
)	
Debtor)	
)	
Olivia Austin and Michelle Dinatale)	Adversary Case No. 19-80042
As Co-Executors for the Estate of Albert)	
Scansaroli)	
)	
Plaintiffs)	
)	
vs)	
)	ANSWER TO COMPLAINT
Helen Marie Rizzo)	
)	
Defendant)	
)	

Defendant answers the Plaintiff's Complaint by denying each and every allegation not otherwise admitted, modified or explained. Defendant reserves all rights to amend this Answer with any defenses and/or objections.

FOR A FIRST DEFENSE

1. Any allegation(s), paragraph(s), or statement(s) not hereinafter expressly admitted, qualified, or explained is/are deemed to be denied, and Defendant demands strict proof thereof.
2. That the Defendant is not required to respond to any administrative paragraph(s) that relate(s) to the foregoing paragraphs or allegations, but, in the event Defendant is required to

make such a response, Defendant hereby denies the same and demands strict proof thereof.

3. That the Defendant is not required to respond to any administrative paragraph(s) that does not set out facts or demand relief, but, in the event Defendant is required to make such a response, Defendant hereby denies the same and demands strict proof thereof.
4. That the Defendant is not required to respond to any paragraph(s) that state(s) a legal conclusion, but, in the event Defendant is required to make such a response, Defendant hereby denies the same and demands strict proof thereof.
5. Defendant denies each allegation(s), paragraph(s), or statement(s) in the Complaint that state(s) a legal conclusion(s) and, to the extent an answer is required to the same, Defendant hereby denies said allegation(s), paragraph(s), or statement(s) and demands strict proof thereof.
6. Defendant admits paragraphs 1, 2, 3 and 5.
7. Defendant is without knowledge to answer paragraph 6.
8. Defendant denies paragraphs 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 25 and 28.
9. Paragraphs 20, 21, 23, 24, 26 and 27 are administrative in nature and do not require a response. If one is required, Defendant denies the allegations in each paragraph.

AFFIRMATIVE DEFENSES

1. Plaintiffs have no valid claims against the Debtor defendant.
2. Any monies received by Debtor defendant were given to her by Mr. Scansaroli because he wanted her to have them and gave them to her voluntarily and knowingly.

3. Mr. Scansaroli managed and controlled his affairs and finances.
4. Plaintiff's fail to state a claim in which relief can be granted.
5. The doctrine of Estoppel.
6. The doctrine of Unclean Hands.
7. Waiver.

Defendant reserves the right to assert and rely upon affirmative defenses that may be discovered as a result of discovery proceedings in this action or which may otherwise become available and further reserves the right to amend this Answer to assert any other defenses.

WHEREFORE, having answered Plaintiff's, Defendant respectfully requests that the Court:

1. Grant Judgment to Defendant;
2. Dismiss Plaintiff's Complaint, with prejudice;
3. Award damages, attorney fees, and sanctions against Plaintiff's for having to defend this action.

By: /s/ Michael Matthews
Michael G. Matthews, Esq.
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Beaufort, SC
July 9, 2019

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

)	CASE NO.: 19-01303 JW
)	CHAPTER 13
Helen Marie Rizzo)	
)	CERTIFICATE OF MAILING
Debtor)	
Olivia Austin and Michelle Dinatale)	
As Co-Executors for the Estate of)	
Albert Scansaroli)	
)	
Plaintiff)	Adversary Proc. No.: 19-80042
)	
vs)	
)	
Helen Marie Rizzo)	
)	
Defendant)	

I, the undersigned legal assistant of the law office of Michael Matthews, Attorney at Law, attorneys for the debtor(s), do hereby certify that I have mailed a copy of the Debtor/Defendant's Answer to Complaint in the above matter, by first class postage prepaid to each of the parties listed below in said action, this 9th day of July, 2019.

F. Truett Nettles, II
Finkel Law Firm LLC
P O Box 41489
Charleston, SC 29423

Magalie A. Creech Esquire
Finkel Law Firm, LLC
P O Box 41489
Charleston, SC 29423

/s/ Jenny Durham _____
Jenny Durham